January 11, 2024

The Mayor and Common Council convened in open session in the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on January 11, 2024. The meeting opened with a salute to the Flag.

Mayor DiMaio announced that this meeting was being held in accordance with the Open Public Meetings Act by:

1. Posting a notice of said meeting on the bulletin board in the lobby of the Municipal Building;
2. Causing a notice of said meeting to be sent to the Daily Record and NJ Herald;
3. Posting notice on the Municipal website www.Hackettstown.net.
4. Furnishing a notice of said meeting to anyone requesting it in accordance with the Open Public Meetings Act; and
5. Filing a notice of said meeting with the Town Clerk.

Roll Call: Present – Mayor DiMaio, Councilpersons Becker, Engelau, Kunz and Lambo

 Absent: Councilpersons Sheldon and Tynan

Mayor DiMaio appointed the following Council Committees:

Fire: Sheldon, Kunz, Lambo

Sanitation: Tynan, Sheldon, Engelau

Police: Kunz, Tynan, Becker

Welfare : Becker, Engelau, Tynan

Lighting : Lambo, Kunz, Tynan

Recreation : Engelau, Lambo, Sheldon

Printing, License and Franchise : Lambo, Engelau, Becker

Public Works: Sheldon, Tynan, Becker

Ordinance & Municipal Affairs: Sheldon, Tynan, Lambo

Finance: Engelau, Lambo, Kunz

Building & Zoning : Kunz, Engelau, Sheldon

Mayor DiMaio appointed the following Ad Hoc Committees:

Insurance: Tynan, Sheldon, Lambo

Personnel & Employee Negotiating: Sheldon, Kunz, Engelau

Rescue Squad Coordinating: Sheldon, Kunz, Becker

Community Development: Tynan, Sheldon, Lambo

Board of Education Liaison: Lambo, Engelau, Kunz

University Liaison: Lambo, Tynan, Becker

Parking Authority Liaison: Engelau, Tynan, Becker

BID Liaison: Kunz, Engelau

Mayor DiMaio appointed the following Police Matrons and Crossing Guards:

Steve Carter, Kim Carvino (Also Matron), Carolyn Cavanagh, Christina Culp, Derek Owens, Dolores Reagle, G. Sanchez, Maureen Tice, Pauline Volkert, Kim Smith, Nancy Luteran, Michael Frayne, Camilo Ocampo, Debra Whitney

Motion was made (Lambo) and seconded (Becker) to confirm Mayor DiMaio's appointment of the following Police Matrons and Crossing Guards:

Steve Carter, Kim Carvino (Also Matron), Carolyn Cavanagh, Christina Culp, Derek Owens, Dolores Reagle, G. Sanchez, Maureen Tice, Pauline Volkert, Kim Smith, Nancy Luteran, Michael Frayne, Camilo Ocampo, Debra Whitney

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Matthew Frauen to the position of Class III School Resource Officer with a term expiring December 31, 2024 and Mark Ramos to the position of Class III School Resource Officer with a term expiring December 31, 2024.

Motion was made (Lambo) and seconded (Engelau) to confirm Mayor DiMaio's appointment of Matthew Frauen to the position of Class III School Resource Officer with a term expiring December 31, 2024 and Mark Ramos to the position of Class III School Resource Officer with a term expiring December 31, 2024.

Roll Call Vote: Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Vincent VanTassel to the position of Class II Police Officer with a term expiring December 31, 2024.

Motion was made (Becker) and seconded (Engelau) to confirm Mayor DiMaio’s appointment of Vincent VanTassel to the position of Class II Police Officer with a term expiring December 31, 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Edward Syfor to the position of Fire Police Chief with a term expiring December 31, 2024 and Michael Palko, Jr. to the position of Fire Police Member with a term expiring December 31, 2024.

Motion was made (Engelau) and seconded (Kunz) to confirm Mayor DiMaio's appointment of Edward Syfor to the position of Fire Police Chief with a term expiring December 31, 2024 and Michael Palko, Jr. to the position of Fire Police Member with a term expiring December 31, 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Gregory Chontow to the position of Alternate Construction Official with a term expiring December 31, 2024 and Gregory Chontow to the position of Alternate Building Subcode Official with a term expiring December 31, 2024.

Motion was made (Engelau) and seconded (Kunz) to confirm Mayor DiMaio's appointment of Gregory Chontow to the position of Alternate Construction Official with a term expiring December 31, 2024 and Gregory Chontow to the position of Alternate Building Subcode Official with a term expiring December 31, 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Colin Baker to the position of Emergency Management Coordinator with a term expiring December 31, 2026, Scott Armstrong to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2024, Gerald DiMaio to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2024 and Mary Matusewicz to the position of Historic Preservation Commission Clerk with a term expiring December 31, 2024. The meeting was turned over to Deputy Mayor Becker who appointed Gerald DiMaio, Jr. to the position of HMUA Board Member with a term expiring December 31, 2028. The meeting was then turned back over to Mayor DiMaio.

Motion was made (Kunz) and seconded (Becker) to appoint Patricia Noll to the position of Tax Search Officer with a term expiring December 31, 2024 and P.J. Reilly to the position of Assessment Search Officer with a term expiring December 31, 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Kunz) and seconded (Engelau) to approve the following resolutions:

Resolution

BE IT RESOLVED that the Chief Financial Officer be designated as the certifying agent for the Public Employee Retirement System, Police and Fire Retirement System, and the NJ Social Security Agency.

Resolution

BE IT RESOLVED that the Town Clerk/Administrator is hereby designated as certifying agent for the NJ Department of Personnel (Civil Service).

Resolution

BE IT RESOLVED that the Town Clerk/Administrator or her Deputy be designated as the official responsible for checking and verification of all delivery slips and vouchers for items payable by the Town of Hackettstown.

Resolution

BE IT RESOLVED that the Police Manual of the Town of Hackettstown, NJ, containing the rules and regulations governing the Hackettstown Police Department be readopted.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Kunz) to adopt the following resolution:

Resolution

BE IT RESOLVED that prior to the placement of any purchase order in excess of $500.00, the Town Clerk/Administrator’s approval must be received.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Becker) to adopt the following resolution:

Resolution

BE IT RESOLVED that except in cases of extreme emergency, any necessary expenditure of $7,500.00 or more, whether current budget, operating expense, or capital budget must have prior approval of the Common Council before the encumbrance of funds.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Kunz) to adopt the following resolution:

Resolution

WHEREAS, NJSA 54:4-66 provides that taxes are payable in quarterly installments on the first of February, May, August and November in each year with installments becoming delinquent if not paid on or before those dates; and

WHEREAS, NJSA 54:4-67 has been amended to permit the fixing of said rate of eight (8) percent per annum on the first $1,5000.00 of the delinquency, and eighteen (18) percent per annum on any amount in excess of $1,500.00 and allows and additional penalty of 6% to be collected against a delinquency in excess of $10,000.00 on accounts that fail to pay the delinquency prior to the end of the fiscal year; and

NOW THEREFORE BE IT RESOLVED that in accordance with NJSA 54:4-67, the Tax Collector is hereby authorized and directed to charge eight (8) percent per annum on the first $1,500.00 of tax or assessment delinquency after the due date and eighteen (18) percent per annum on any tax or assessment delinquency after the due date in excess of $1,500.00. An additional penalty of six (6) percent shall be charged against the total delinquency if the arrears of $10,000.00 remain at the end of the fiscal year; and,

BE IT RESOLVED that no interest shall be charged if any installment is paid within ten (10) calendar days after the date upon which the same is due. However, if paid after the expiration of the ten (10) day grace period the interest charged shall be calculated from the original due date and not from the end of the grace period; and

BE IT RESOLVED that no interest shall be charged if any installment is paid within ten (10) calendar days after the date upon which the same is due. However, if paid after the expiration of the ten (10) day grace period the interest charged shall be calculated from the original due date and not from the end of the grace period.

BE IT FURTHER RESOLVED that no interest shall be charged to senior citizens who pay their taxes with their social security check within thirty (30) days of the taxes due date; and

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to hold a tax sale in accordance with the law.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Kunz) to adopt the following resolution:

Resolution

BE IT RESOLVED that P.J. Reilly be appointed Public Agency Compliance Officer for the year 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Kunz) to adopt the following resolution:

Resolution

BE IT RESOLVED that P.J. Reilly be appointed Health Benefits Administrator for the year 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Engelau) to adopt the following resolution:

Resolution

BE IT RESOLVED that the Cash Management Plan for the Town of Hackettstown be readopted for 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Becker) to adopt the following resolution:

Resolution

RESOLUTION authorizing the Municipal Assessor to file municipal appeals and enter into stipulations on behalf of the Town of Hackettstown for 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Engelau) to approve the minutes of the regular meeting held on December 14, 2023 as submitted.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Kunz) to approve the minutes of the regular meeting held on December 28, 2023 as submitted.

Roll Call Vote: Yes – Becker, Kunz and Lambo

 Abstain – Engelau

Motion was made (Kunz) and seconded (Becker) to approve the minutes of the reorganization meeting held on January 1, 2024 as submitted.

Roll Call Vote: Yes – Becker, Kunz and Lambo

 Abstain – Engelau

Motion as made (Becker) and seconded (Engelau) that ordinance #2024-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14), be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:00 PM on February 8, 2024; the Town Clerk to publish the ordinance together with Notice of Hearing in the Daily Record, to post the ordinance and Notice of Hearing on the bulletin board in the lobby of the Municipal Building, and to make copies of the ordinance available to members of the general public who request such copies.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Kunz) and seconded (Engelau) to adopt the following resolution:

Resolution

BE IT RESOLVED by the Mayor and Common Council for the Town of Hackettstown, NJ as follows:

1. The following schedule for the regular meetings of the Maor and Council for 2024 is hereby adopted:

January 1…1:00 pm May 9…7:00 pm September 26…7:00 pm

January 11…7:00 pm May 23…7:00 pm October 10…7:00 pm

January 25…7:00 pm June 13…7:00 pm October 24…7:00 pm

February 8…7:00 pm June 27…7:00 pm November 14…7:00 pm

February 22…7:00 pm July 11…7:00 pm November 25…7:00 pm

March 14…7:00 pm July 25…7:00 pm December 12…7:00 pm

March 28…7:00 pm August 8…7:00 pm December 30…6:30 pm

April 11…7:00 pm August 22…7:00 pm

April 25…7:00 pm September 12…7:00 pm

1. All regular meetings will be held in the Municipal Building, 215 Stiger Street, Hackettstown, N.J., on the date and time indicated.
2. A copy of the Resolution will be prominently posted by the Town Clerk throughout 2024 on the bulletin board in the lobby of the Municipal Building.
3. The Town Clerk, upon adoption of this Resolution, will mail copies to the Daily Record, Parsippany, N.J., and the New Jersey Herald, Newton, N.J., which are designated as the official newspapers for publication of legal notifications; which said newspapers are hereby designated to receive notices of the meetings of the Mayor and Common Council of the Town pursuant to Section 3(d) of the Open Public Meetings Act (Chapter 231, P.L. 1975); and will cause to be published in said newspaper a notice of the time, place and date of all regular meetings.
4. The Town Clerk will file a copy of this Resolution in the Town Clerk’s Office, and this Resolution shall remain on file throughout 2024.
5. A copy of this Resolution, or any revision thereto, or any advance written notice of any regular, special or rescheduled meeting during 2024 will be mailed by regular mail to any person making written application for the same pursuant to Section 14 of the Open Public Meetings Act (Chapter 231 P.L 1975) to the Town Clerk. Notices of meetings requested by the news media in writing shall be mailed by regular mail to said news media without charge. All requests for notices made shall terminate on December 31st of each year, but shall be subject to renewal upon a new written request to the Mayor and Common Council.
6. At the commencement of all regular meetings, the Mayor or the Acting Mayor will announce publicly and shall cause to enter into the minutes of the meeting an accurate statement substantially as follows:

“Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by:

1. Posting a schedule of all regular meetings of the Mayor and Common Council on the bulletin board in the lobby of the Municipal Building; and
2. Mailing a copy of the schedule of regular meetings to the Daily Record and the NJ Herald, causing a notice of said schedule to be published in said newspapers;
3. Mailing or delivering a copy of the schedule of regular meetings for 2024 to those persons requesting the same pursuant to the Open Public Meetings Act; and
4. Filing a copy of the schedule of all regular meetings for 2024 with the Town Clerk/Administrator.
5. The Town Clerk shall keep reasonably comprehensive minutes of all meetings of the Mayor and Common Council, showing the time and place, the members present, the subject considered, the action taken, the vote of each member, and any other information required by law which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with Section 7 of the Open Public Meetings Act.
6. The minutes of each meeting shall become public as soon as they are prepared by the Town Clerk promptly after each meeting. Before releasing the minutes prior to formal approval by the Mayor and Common Council, a statement is to be placed at the top of them stating: “These minutes have not been formally approved and are subject to change or modification by the Mayor and Common Council at its next meeting.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Becker) to adopt the following resolution:

Resolution

WHEREAS, NJSA 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Hackettstown, hereby states that it has complied with NJSA 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show the evidence of said compliance.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Engelau) to appoint Joann Fascenelli to the position of Recycling Coordinator with a term expiring December 31, 2024.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Becker) to approve the purchase of the 2024 annual fertilization program from Code Green Lawn Care, Great Meadows, NJ in the amount of $19,815.00.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Lambo) to approve check register #2024-01 in the amount of $2,121,582.63.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Lambo) to approve the special event license application for the Hackettstown BID to hold an Annual St. Patrick’s Day Parade on March 10, 2024, to waive the $50.00 application fee and charge no Town costs.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Kunz) to approve the following areas be designated as No Parking “Tow-Away” zones from 12:00 p.m. to 6:00 p.m. on Sunday, March 10, 2024.

1. Route 46 between Grand Avenue and Rt. 182; both sides (Section to be closed)
2. Willow Grove Street between Rt. 46 and Franklin Steet; both sides
3. Franklin Street between Willow Grove Street and Liberty Street; both sides
4. Liberty Street between Rt. 46 and Franklin Street; both sides
5. Washington Street between Valentine Street and Grand Avenue; both sides (Section to be closed)
6. Washington Street between Warren Street and Bells Lane; both sides
7. Bells Lane between Washington Street and Rt. 182; both sides
(Section to be closed)
8. Rt. 182 between Rt. 46 and Victoria Lane; both sides
(Section to be closed)
9. Valentine St. between Rt. 46 and Beatty St.; both sides
(Section to be closed)
10. Washington St. between Church St. and Grand Ave.; both sides
(Section to be closed)
11. Madison St. between Grand Ave. and Valentine St.; both sides
(Section to be closed)
12. Monroe St. between Grand Ave. and Valentine St.; both sides
(Section to be closed)
13. Jefferson St. between Grand Ave. Valentine St.; both sides
(Section to be closed)

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Lambo) to adopt the following resolution:

Resolution

WHEREAS, certain bills have been presented for payment for year 2023 charges for which there are insufficient budget reserves to pay, and

WHEREAS, NJSA 40A:4-59 permits transfers of appropriation reserves within the first three months of the succeeding year to cover said charges,

NOW, THEREFORE BE IT RESOLVED, that the following 2023 Budget Appropriation Reserve transfers be authorized;

 TRANSFER FROM: TRANSFER TO:

Engineering O/E $2,000.00 Telephone O/E $2,000.00

Totals \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

 $2,000.00 $2,000.00

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio asked if anyone from the public would like to speak at this time.

Greg Gartner, 20 Seymour Terrace, Hackettstown, thanked the Mayor and Council for all of their hard work and support.

Brendan Gubelmann, 43 Musky Ridge Drive, Hackettstown, inquired about the status of repairing the pickle ball court.

Tom Donovan, 123 High Street & 10 Franklin Street, Hackettstown spoke regarding parking issues at the renovated rooming house because of the lack of a driveway. The Council agreed to refer the issue to the ordinance committee for consideration to change the parking hours.

Motion was made (Engelau) and seconded (Kunz) to enter into executive session at 7:35 PM to discuss litigation.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Kunz) to come out of executive session at 7:49 PM.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

The Mayor stated that no action was taken in executive session.

Motion was made (Kunz) and seconded (Lambo) to approve the dismissal of the Shiva v. Town of Hackettstown lawsuit without prejudice and at no further costs.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Kunz) to adjourn this meeting at 7:50 PM.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

 This is to certify that the This is to certify that all

ordinances and resolutions proper notices, postings and

contained herein have been filings required by the Open

approved by me in accordance Public Meetings Act (Chapter

with law. 231, P.L. 1975) were provided

 for this meeting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gerald DiMaio, Jr., Mayor P.J. Reilly, Town Clerk/Administrator